IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.786 OF 2006
IN
NOTICE OF MOTION NO.1031 OF 2006
IN
S.C.SUIT NO.5521 OF 2005
WITH
CIVIL APPLICATION NO.1075 OF 2006

Mela Ram Dhawan ...Appellant

Versus

Miss Vinod Kumari Dhawan ...Respondent

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Mr.B.K.Bali i/b Thakkar & Bali for Appellant.

Mr.Rupesh D.Sohani for Respondent.

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CORAM: A.M.KHANWILKAR, J.

JANUARY 24, 2007.

P.C.

1. Heard Counsel for the parties.

2. I see no infirmity in the view taken by the lower Court in the fact situation of the present case. The observation made by the Trial Court, particularly in Paragraph 14, was good reason to dismiss the Notice of Motion. No interference is warranted. This Appeal is

dismissed.

3. However, at the same time, having regard to the nature of controversy between the parties, who are closely related, coupled with the fact that the Plaintiff is a senior citizen (84 years of age), the Trial Court will be well advised to decide the Suit as expeditiously as possible, in any case, within six months from today as High Court Expedited Case.

4. The parties shall appear before the Trial Court on 1st February 2007, irrespective of the date already assigned to the Suit, on which date, the Trial Court shall give appropriate date, so as to ensure that the Suit is disposed of not later than 31st July 2007. All parties have assured through Counsel to extend full cooperation to the Trial Court for early disposal of the Suit. That assurance is accepted.

5. Appeal and the companion Civil Application stand disposed of accordingly.

A.M.KHANWILKAR, J.